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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR 05-00718 RMW
11)
Plaintiff,)
12)
v.) **STIPULATION AND ~~PROPOSED~~**
13) **ORDER TO CONTINUE STATUS DATE**
JUAN ANTONIO CARDENAS,)
14)
Defendant.)
15 _____)

16 Assistant United States Attorney Carlos Singh and defendant, Juan Antonio Cardenas,
17 through his counsel, Assistant Federal Public Defender Nicholas Humy, stipulate and agree that
18 the status date in the above-captioned matter, presently scheduled for Monday, October 23, 2006,
19 should be continued to December 11, 2006, at 9:00 a.m.

20 The parties stipulate and agree that the status date should be continued because counsel
21 for Mr. Cardenas is investigating this case and needs additional time to locate witnesses and to
22 collect pertinent records. Additionally, counsel for Mr. Cardenas has requested an evidence view
23 that has not yet been scheduled yet because the evidence in this case is in the custody of the ATF
24 agent who is on assignment and in training out of the district. The agent recently returned and
25 the evidence view should be scheduled shortly. The defense has also requested additional
26 discovery from the government, including photos from the search and audio recordings of
interviews with government witnesses and a video of an interview with Mr. Cardenas. The

1 defense has not yet received this requested discovery; however, the parties anticipate that this
2 discovery will be produced before the requested December 11, 2006 status hearing.

3 The parties request that status date be continued also because counsel for the government
4 was unavailable in trial the last two weeks in October and will begin another trial on November
5 13, 2006.

6 The parties further stipulate and agree that under 18 U.S.C §§ 3161(h)(8)(A) and (B)(iv),
7 the ends of justice served by the continuance requested outweigh the best interest of the
8 defendant and public in a speedy trial because the failure to grant such a continuance would
9 unreasonably deny Mr. Cardenas the time necessary for effective preparation, taking into account
10 the exercise of due diligence.

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12 Dated: October 20, 2006

/s/

NICHOLAS P. HUMY
Assistant Federal Public Defender

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14
15 Dated: October 20, 2006

/s/

CARLOS SINGH
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR 05-00718 RMW
)	
Plaintiff,)	PROPOSED ORDER CONTINUING
)	STATUS DATE AND EXCLUDING
v.)	TIME
)	
JUAN ANTONIO CARDENAS,)	
)	
Defendant.)	
_____)	

The parties have jointly requested to continue the status date set for October 23, 2006 to December 11, 2006 at 9:00 a.m., GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status date presently set is continued to December 11, 2006, at 9:00 a.m. Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time from October 23 through and including December 11, 2006, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

November 8, 2006

Dated: ~~October 23, 2006~~ ~~XXXXXX~~ 2006

/s/ Ronald M. Whyte

RONALD M. WHYTE
United States District Judge

1 Distribute to:

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